

REMARKS

The present application was filed on February 8, 2002 with claims 1-12. Claims 1-12 are currently pending in the application. Claims 1, 11 and 12 are the independent claims.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In addition, claims 1-12 are rejected under U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0100024 to Hunter et al. (hereinafter "Hunter") in view of U.S. Patent No. 6,615,368 to Dunlap (hereinafter "Dunlap").

The Examiner also objects to the length of the Abstract. Applicants have amended the Abstract to reduce its length.

In formulating the §101 rejection of claims 1-10, the Examiner states:

The claims are non-statutory because they recite software components of implementing a software breakpoint, representing functional descriptive material without a computer readable medium or computer implemented method, program per se are not tangibly embodied (*sic*). Claims 1-10 thus amounts (*sic*) to only abstract idea and are nonstatutory.

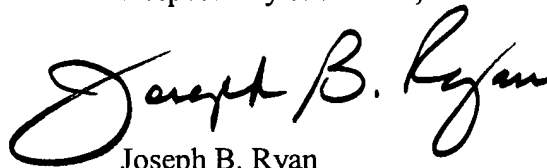
To the extent Applicants understand the Examiner's comments, Applicants respectfully disagree and traverse this rejection. The Manual of Patent Examining Procedure, Eighth Edition, August 2001 (MPEP) §2106 requires that "[t]o be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan . . . , or (B) be limited to a practical application within the technological arts." Independent claim 1 sets forth an improved method for implementing breakpoints in a shared-memory multiprocessor system. As a result, claim 1 clearly sets forth a computer-related process that performs a practical application within the technological arts. In fact, claim 1 is in some respects analogous to a computer-related process claim specifically set forth in MPEP §2106 as an example of a statutory process. This illustrative claim sets forth a "method of controlling parallel processors

to accomplish multi-tasking of several computing tasks to maximize computer efficiency.” Accordingly, Applicants respectfully request withdrawal of the §101 rejection of claims 1-10.

With respect to the §103(a) rejection of claim 1-12, Applicants note that these claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of references including Hunter. Without characterizing the Hunter reference, Applicants submit herewith a Declaration Under 37 C.F.R. §1.131. The Declaration is signed by the inventors named on the present application. The Declaration and its associated exhibits evidence the conception of an invention falling within the scope of one or more of the claims of the present application at least prior to May 16, 2000. Moreover, the Declaration proves actual reduction to practice at least as early as September 7, 2000 through the implementation of the invention in software code. In comparison, the Hunter reference claims priority to a provisional application filed on January 24, 2001. The Hunter reference is, therefore, not prior art under §103(a) with respect to the present invention.

In view of the above, Applicants believe that claims 1-12 are in condition for allowance and respectfully request withdrawal of the §101 and §103(a) rejections.

Respectfully submitted,



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Enclosure(s): Declaration Under 37 CFR §1.131